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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: ZOOM VIDEO COMMUNICATIONS,
INC. PRIVACY LITIGATION

This Document Relates To:
All Actions

Case No. 3:20-cv-02155-LB

**CLASS PLAINTIFFS' NOTICE OF
MOTION AND MOTION TO EXPEDITE
BRIEFING ON MOTION FOR APPEAL
BOND; MEMORANDUM IN SUPPORT**

Judge: Hon. Laurel Beeler
Date: TBD
Time: TBD
Location: Courtroom B, 15th Floor

1 Pursuant to Civil Local Rule 6-3, in the above-entitled action, Plaintiffs Caitlin Brice, Heddi N.
2 Cundle, Isabelle Gmerek, Cynthia Gormezano, Kristen Hartmann, M.F. and his parent Therese
3 Jimenez, Lisa T. Johnston, Oak Life Church, Saint Paulus Lutheran Church and Stacey Simins
4 (collectively, “Plaintiffs”), respectfully move the Court to expedite the briefing schedule for Plaintiffs’
5 Motion for Appeal Bond (“Bond Motion”) (Dkt. No. 278) and, if the Court decides that a hearing on
6 the motion is necessary, schedule a hearing on the Bond Motion at the Court’s earliest convenience.

7 The Bond Motion is currently set on April 27, 2023, the earliest available date on the Court’s
8 website. Plaintiffs are concerned that, absent relief, Plaintiffs and the Class will incur substantial,
9 unrecoverable costs related to the Court-appointed Claims Administrator’s administration of the
10 Settlement as well as responding to Objector and Appellant Alfred Gonzalez’s appeal. Expediting the
11 briefing schedule for Plaintiffs’ Bond Motion will allow the Court to consider, and if appropriate,
12 impose an appeal bond on Gonzalez at an earlier date protecting Plaintiffs and the Class as they
13 continue to address his appeal, which Plaintiffs believe was filed solely to hold up the distribution of
14 Settlement proceeds.

15 Therefore, Plaintiffs ask the Court to set an expedited schedule requiring Gonzalez to respond
16 to Plaintiffs’ Bond Motion by March 17, 2023, and if the Court decides that a hearing on the Bond
17 Motion is necessary, to hold a hearing on March 23, 2023 or such other date available to the Court. In
18 support of this motion, Plaintiffs state as follows:

19 1. Plaintiffs request that the Court expeditiously resolve Plaintiffs’ Bond Motion, which is
20 currently set to be heard on April 27, 2023. Given the nature of Gonzalez’s appeal, Plaintiffs are in the
21 process of attempting to resolve the appeal by moving to dismiss based on Gonzalez’s failure to pay
22 his docket fees and, if that is not granted, by then moving for summary disposition in the Ninth Circuit.
23 If these motions are not granted, Plaintiffs are aware that resolution of any appeal can take one or two
24 years, requiring Plaintiffs and the Class to incur costs to oppose the appeal and administer the
25 Settlement funds during the delay. To account for that possibility, Plaintiffs seek the security that
26 would be afforded by the imposition of an appeal bond against Gonzalez.

27 2. If the Court does not expedite briefing on the Bond Motion, Plaintiffs will be forced to
28 continue to incur substantial costs responding to the frivolous appeal, as well as the resulting

1 administrative costs, without any assurance that they will be able to recover those costs if the appeal is
 2 denied. Because Local Rule 7-2 requires all motions to be noticed for hearing no less than 35 days
 3 after the filing of the motion, the earliest date that Plaintiffs' Bond Motion could be heard is April 27,
 4 2023. Plaintiffs respectfully request that Gonzalez not be allowed to draw this matter out to that date
 5 and beyond without being required to post an appeal bond.

6 3. Shortening the briefing and hearing schedule on the Bond Motion would not affect any
 7 other pending matters in this case, as the Court has already entered final judgment. Other than the
 8 Bond Motion, only Gonzalez's appeal remains at issue in the case.

9 For those reasons, Plaintiffs respectfully request that the Court grant Plaintiffs' motion and
 10 enter Plaintiffs' proposed order expediting the briefing schedule.

11 **COTCHETT, PITRE & McCARTHY LLP**

12 DATED: March 10, 2023

By: /s/ Mark C. Molumphy

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SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Joint Declaration of Wolfson and Molumphy in support of Motion to Expedite Briefing. Pursuant to L.R 5-1(i)(3) regarding signatures, I, Mark C. Molumphy attest that concurrence in the filing of this document has been obtained.

DATED: March 10, 2023

/s/ Mark C. Molumphy

Mark C. Molumphy